IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

WP(C).No. 36874 of 2007(M)

PETITIONER:

JUMI, AGED 40,
W/O.KASIM, HANNA INDUSTRIES, EP/IV/219 A,
EDAKKUZHIYIL, EDAVA-695 311.

BY ADV. SRI.VARGHESE PREM

RESPONDENTS:

INDIAN OVERSEAS BANK,
REP. BY ITS AUTHORIZED OFFICER,
EDAVA BRANCH, EDAVA.

BY ADV. SRI.P.B.SURESH KUMAR, SC,I.O.BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C) 36874 of 2007

Dated: December 13, 2007

JUDGMENT

The writ petition is filed challenging the securitisation proceedings initiated against the petitioner and that too at a stage when the sale is to take place tomorrow. As rightly pointed out by the learned counsel for the Bank, petitioner had earlier approached this court and Ext.P1 is the judgment in that case.

2. Petitioner has no case that he has complied with the conditions imposed in that judgment. The judgment itself provides for a default clause saying that in case of default it will be open to the Bank to continue the proceedings. If default has been committed and the Bank has proceeded with the proceedings, petitioner cannot complain against the same. If that be so, there is nothing to interfere with the sale scheduled to take place tomorrow.

Writ petition fails and it is dismissed.

ANTONY DOMINIC, JUDGE

mt/-